

REMARKS

By the present Amendment, Applicants have amended claims 4-6 and 13-15 to more appropriately define the invention. Claims 4-6 and 13-15 are pending, and claims 1-3, 7-12, and 16-18 have been withdrawn from consideration as drawn to a non-elected invention.

In the Final Office Action, the Examiner rejected claims 4-6 and 13-15 Under 35 U.S.C. § 102(b) as anticipated by Dorinski (U.S. Patent No. 5,821,854). Applicants respectfully traverse this rejection.

In order to properly anticipate Applicants' claimed invention under 35 U.S.C. §102, each and every element of the claim in issue must be found, "either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." See M.P.E.P. § 2131, 8th ed., Rev. of May 2004.

Dorinski fails to teach each and every element of claims 4-6 and 13-15. For example, claim 4 recites, inter alia, "means for monitoring a change in field strength of a radio wave in a state where the radio link has been established; and control means for selectively activating a corresponding one of a plurality of different programs operable in the information processing apparatus in accordance with the change in the field strength monitored by the monitoring means."

Dorinski fails to teach at least "control means for selectively activating a corresponding one of a plurality of different programs" as recited in claim 4. Dorinski

merely teaches enabling a lock-out screen when an RF signal drops below a predetermined threshold. For example, “a low power radio frequency (RF) signal 218 is generated at the transmitter 210 for reception by the portable radio 214. As long as the user remains within a predetermined range of the terminal, . . . the radio 214 will detect the presence of the RF signal 218. . . . Once the user 216 goes outside the predetermined range, the RF signal 218 received by radio 214 will drop below a predetermined signal strength threshold. In response to the received signal strength dropping below the predetermined threshold, . . . the computer 202 enables a lock-out screen at monitor 206.” Dorinski, col. 2, lines 20-33. Alternatively, “a portable radio 314 worn by user 316 periodically emits a lower power RF signal 318 which is received by receiver 312 coupled to the computer terminal 302. . . . When the receiver 312 fails to receive the transmitted RF signal 318, or the signal strength falls below the predetermined threshold, a security lock-out is generated by the CPU 304 at the computer monitor 306.” Dorinski, col. 3, lines 24-39.

Therefore, claim 4 is allowable over Dorinski. Claims 5 and 6 depend from claim 4 and are also allowable over Dorinski at least because of their dependence from an allowable base claim.

In addition, claim 13 recites, inter alia, “monitoring a change in field strength of a radio wave in a state where a radio link to the portable device has been established; and selectively activating a corresponding one of a plurality of different programs operable in the information processing apparatus in accordance with a level of the field strength monitored in the monitoring step.” For reasons already stated above, Dorinski fails to teach at least “selectively activating a corresponding one of a plurality of different

programs” as recited in claim 13. Therefore, claim 13 and dependent claims 14-15 are allowable over Dorinski.


In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 4-6 and 13-15 under 35 U.S.C. §102 and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 
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* With limited recognition under 37 C.F.R. § 10.9(b).